

REMARKS

Reconsideration of the subject application is respectfully requested.

Applicant has carefully considered the contents of the Official Action dated July 15, 1996, including the newly cited references. Applicant notes with appreciation the indication of allowable subject matter in claims 15-18. By this Amendment, claims 14 and 20 are revised to address the objection to claim 19 and the rejection of claims 14-20 under 35 U.S.C. § 112, second paragraph. Additionally, the specification and abstract are revised to address the objections set forth in the Official Action. Reconsideration and withdrawal of the objections to the specification and claim 19 and the rejection of claims 14-20 under § 112, second paragraph, are respectfully requested.

Applicant respectfully traverses the rejection of claims 14 and 20 under 35 U.S.C. § 102(b) as anticipated by *Konar* and *Gill* ('316). Claim 14, as amended, recites a platform "including a substantially unobstructed trailing edge, the rear wheels being mounted adjacent the trailing edge of the platform" and "wherein a substantially unobstructed space is formed above the platform and behind the seat, and whereby the second child can step onto and off the platform." Because neither *Konar* nor *Gill* teach a

substantially unobstructed trailing edge and a substantially unobstructed space, claim 14 is not anticipated by *Konar* or *Gill*.

Additionally, Applicant submits that claim 14 is not obvious over either *Konar* or *Gill*. Applicant strongly urges the Examiner to appreciate the difference between a platform (which can be stepped onto and off of) and basket (which must be climbed into and out of). The platform according to claim 14 has nothing to obstruct substantially horizontal movement of the child's feet on and off of the platform. Applicant also submits that the platform including a substantially unobstructed trailing edge to form a substantially unobstructed space is a structural limitation not satisfied by the cited *Gill* and *Konar* references.

Although these structural limitations provide important functional distinctions between the prior art and the present invention, specifically, the unobstructed space permitting stepping on and off of the platform, rather than climbing over a barrier (i.e., the basket), this distinction is critical when the child gets off of the platform. For either a child or an adult, climbing backwards over a barrier is unnatural and difficult to do. Few people would feel comfortable at walking backwards over even a single step up or down, or a barrier the height of a single step. Furthermore, climbing out of a basket creates a safety concern. If a child is jerked backwards, for instance, by standing on a platform which is suddenly jerked forward, the child reflexively

would step back. Thus, a child standing on the platform will automatically try to step backward when the push-chair is unexpectedly jerked forward. With the push-chair of the present invention, the child will easily be able to step off the platform in reasonable safety.

In contrast, if a child is standing in the basket of *Gill* or *Konar*, the child will be prevented from stepping back this way because the upper rear edge of the basket will be against the child. Whether that edge is at the level of the thigh, the knee, the calf, or even the ankle of the child, is immaterial. Since the child will be unable to step back, she will be at risk of falling over backwards. Normally, when a child falls backwards, she sits down with just a bump. This is true of the push-chair of the present invention, since even if a child fails to step backward, she will just sit down with a bump. However, with *Gill* and *Konar*, the situation is much worse. The child will not be able to step backwards, so she is far more likely to fall over than with the push-chair of the present invention. Furthermore, with *Gill* and *Konar*, the child will not be able to fall over in the sitting-down-with-a-bump manner. The child will have her legs constrained, and will topple backwards by rotating against the edge of the basket, with a real risk of cracking the child's head against the ground. Indeed, very few adults would feel comfortable standing on a platform which may be jerked, and in which they have to stand with

the backs of their legs against some sort of barrier. Thus, it is respectfully submitted that the provision of a platform, as opposed to a basket, with a substantially unobstructed trailing edge and forming, with a seat, a substantially unobstructed space is of critical importance to the present invention. For these reasons, reconsideration and withdrawal of the rejections of claim 14 based on *Konar* and *Gill*, is respectfully requested.

Applicant further traverses the rejections of claim 19 under 35 U.S.C. § 103 as unpatentable over either *Gill* or *Konar* in view of *Chang*. As amended, claim 19 requires that each of the rear wheels have a lever-operated braking mechanism, and requires a coupling rod "rotatably coupled to each braking mechanism by linkage means and located forward of the axles of the rear wheels and below the level of the platform." Both the location of the coupling rod and the fact that the rod operates primarily by rotation, as opposed to moving up and down, is important. With the push-chair of the present invention, the coupling bar as disclosed in *Chang* is unacceptable because it interferes with the child stepping on and off the platform. The coupling bar must be located in a completely different position, that is, forward of the rear wheels and below the level of the platform. Thus, one of ordinary skill would not be motivated to combine the teachings of *Chang* with the push-chair of *Gill* or *Konar*, and the combination of *Chang* with either *Gill* or *Konar* fails to render the invention of claim 19

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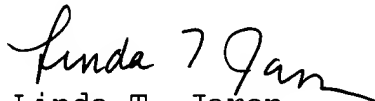
obvious. Reconsideration and withdrawal of the rejections of claim 19 are thus respectfully requested.

In view of the foregoing, it is respectfully requested that the rejections and objections to the claims and specification be reconsidered and withdrawn, that claims 14-19 be allowed, and that the application be passed to issuance.

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Respectfully submitted,

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